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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,567

09/25/2003

Arthur J. Kover

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10/17/2008

Steven S Payne
6027 ILIFF Drive
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EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,567	Applicant(s) KOVER ET AL.	
	Examiner JOHN VAN BRAMER	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on June 19, 2008 cancelled claims 2, 3, 10, and 11. Claims 1, 4, 9, and 12 were amended and no new claims were added. Thus the currently pending claims addressed below are Claims 1, 4-9, and 12-16.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-9, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lesandrini et al. (PGPUB US 2002/0042733 A1).

Claims 1 and 9: Lesandrini discloses a method and system for obtaining web-based advertising research data over a communications system, comprising the steps of:

- a. Collecting user reaction data of at least one user to at least one advertisement displayed on a web site, wherein said user reaction data comprises at least one of point-and click data and word responses to questions and said point and click data is collected from the advertisement being displayed and comprises at least one of location of at least one feature in the advertisement with a greater impact

and location of first feature noticed in the advertisement. (Fig. 9; Fig. 11,
Paragraphs [0076] through [0100] and Paragraphs [0387] through [0402])

- b. Posing at least one question to said at least one user based on said collected user reaction data. (Paragraphs [0076] through [0100] and Paragraphs [0387] through [0402])

Claims 4 and 12: Lesandrini discloses the method and system according to claims 1 and 9, wherein a feature is a word, phrase, object, person, animal, or scene depicted in the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100] and Paragraphs [0387] through [0402])

Claims 5 and 13: Lesandrini discloses the method and system according to claims 1 and 9, further comprising the step of: analyzing collected data. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 6 and 14: Lesandrini discloses the method and system according to claims 5 and 13, further comprising the step of: displaying locations of all point-and-click data collected for the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 7 and 15: Lesandrini discloses the method and system according to claims 5

and 13, further comprising the steps of: displaying percentage of point-and-click data collected for various sections of the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 8 and 16: Lesandrini discloses the method and system according to claims 5 and 13, further comprising the step of: transforming word responses into point-and-click data for display. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Response to Arguments

4. Applicant's arguments filed June 19, 2008 have been fully considered but they are not persuasive. The applicant argues that Lesandrini et al. does not disclose gathering point and click data from the advertisement being displayed, wherein the point and click data comprises at least one location of at least one feature in the advertisement with a greater impact and location of first feature noticed in the advertisement. However, the claim as currently written does not require such features. The claim recites collecting user reaction data from a user "wherein said user reaction data comprises at least one of point and click data and word responses to questions". Therefore either "point and click data" or "word responses to questions" are required. Since Lesandrini discloses word responses to questions it meets the limitations of the claims as currently written. Lesandrini specifically discloses word response data in Fig.

9; Fig. 11, Paragraphs [0076] through [0100] and Paragraphs [0387] through [0402]. An example of a question in which word responses are collected is found in Fig. 11 when the question: "this color makes me feel" elicits a word response. There are numerous other examples to be found in the cited section.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN VAN BRAMER whose telephone number is (571)272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JV
/J. V./
Examiner, Art Unit 3622

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622